

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

S E C R E T STATE 053547

EXDIS

E.O. 11652: XGDS-3

TAGS: PINT, JA, US

SUBJECT: LOCKHEED

1. DEPARTMENT, SEC, AND JUSTICE REPRESENTATIVES HAVE BEEN MEETING CONFIDENTIALLY WITH JAPANESE EMBASSY OFFICIALS TO WORK OUT PROCEDURES FOR GIVING GOJ ACCESS TO RELEVANT MATERIAL CONCERNING LOCKHEED ACTIVITIES IN JAPAN WHILE AT SAME TIME PROTECTING ONGOING USG INVESTIGATIONS. FINAL DETAILS HAVE YET TO BE WORKED OUT BUT FRAMEWORK OF AGREEMENT IS EMERGING ALONG FOLLOWING LINES: AGREEMENT WOULD BE BETWEEN THE US DEPARTMENT OF JUSTICE AND THE JAPANESE MINISTRY OF JUSTICE AND CALL FOR MUTUAL ASSISTANCE TO BE RENDERED TO LAW ENFORCEMENT AGENCIES. THE AGREEMENT WOULD ALSO PROVIDE FOR ASSISTANCE IN THE INTERVIEWING OF PERSONS IN THEIR RESPECTIVE COUNTRIES BY LAW ENFORCEMENT OFFICIALS OF THE OTHER PARTY AND THE TAKING OF TESTIMONY OR STATEMENTS OR THE PRODUCTION OF DOCUMENTS. ALL INFORMATION MADE AVAILABLE BY THE PARTIES WOULD BE KEPT CONFIDENTIAL DURING THE INVESTIGATIVE STAGES BUT COULD BE SECRET

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USED FREELY IN ANY ENSUING CRIMINAL, CIVIL, OR

ADMINISTRATIVE PROCEEDING.

2. WE ARE ALSO WORKING ON THE PRESIDENT'S REPLY TO PRIME MINISTER MIKI'S LETTER, AT THIS STAGE WE ANTICIPATE THAT THE PRESIDENT'S LETTER WILL REAFFIRM OUR DESIRE TO COOPERATE FULLY WITH THE GOJ IN ITS INVESTIGATION; EXPLAIN BRIEFLY THE NEED TO AVOID PREMATURE DISCLOSURE OF THE INFORMATION SO AS NOT TO PREJUDICE THE SEC INVESTIGATION AND ANY SUBSEQUENT LAW ENFORCEMENT ACTIONS AND SUGGEST THAT IN ORDER TO FACILITATE PARALLEL INVESTIGATIONS BY THE TWO GOVERNMENTS, OFFICIALS OF THE TWO GOVERNMENTS WORK TO IMPLEMENT ARRANGEMENTS FOR SHARING OF INFORMATION ON A CONFIDENTIAL BASIS BY LAW ENFORCEMENT OFFICIALS.

3. WE HAVE YET TO WORK OUT A SCENARIO FOR COORDINATING THE RELEASE OF THE TWO DOCUMENTS ABOVE BUT WE ANTICIPATE IT MAY PROCEED ALONG FOLLOWING LINES: A) PRESIDENT WOULD DESPATCH LETTER TO MIKI WHICH SUGGESTS THAT OFFICIALS OF THE TWO GOVERNMENTS MEET TO DEVELOP PROCEDURES FOR SHARING INFORMATION; B) MIKI WOULD RESPOND FAVORABLY TO PRESIDENT; SUGGESTION E.G. BY PUBLIC STATEMENT RE DESPATCH OF APPROPRIATE OFFICIAL TO US; C) GOJ AND USG OFFICIALS WOULD MEET TO REACH FINAL AGREEMENT ON TEXT OF PROCEDURES; D) JUSTICE-TO-JUSTICE MEMORANDUM WOULD BE SIGNED, PUBLICLY RELEASED AND IMPLEMENTATION WOULD BEGIN. FOREGOING IS VERY TENTATIVE AND DOES NOT YET HAVE FINAL GOJ AGREEMENT, ALTHOUGH EMBASSY HAD INFORMED US THAT MIKI IS PERSONALLY COMMITTED TO IT. IF THIS SCENARIO IS FOLLOWED WE HOPE IT WILL BE PLAYED OUT WITHIN A WEEK OR TEN DAYS.

4. IN OTHER LOCKHEED DEVELOPMENTS, DEPUTY SECRETARY IS SCHEDULED TO APPEAR BEFORE JOINT ECONOMIC COMMITTEE ON MARCH 5 TO DISCUSS GENERAL PROBLEM OF MNC BEHAVIOR. IN HIS PREPARED STATEMENT THE DEPUTY SECRETARY WILL REFER TO LOCKHEED PROBLEM AND WILL NOTE THAT THE DEPARTMENT HAS BEEN CONSULTING WITH THE SEC AND JUSTICE TO DEVELOP A PROCEDURE THAT WOULD FACILITATE THE EXCHANGE OF INFORMATION WITH INTERESTED FOREIGN GOVERNMENTS.

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5. ALL OF THE ABOVE IS FOR EMBASSY BACKGROUND ONLY AND SHOULD NOT BE THE BASIS OF DISCUSSION WITH THE GOJ. WE WILL KEEP YOU ABREAST OF FURTHER DEVELOPMENTS. KISSINGER

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